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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,344	04/19/2004	Philip Roziere	P08238US00/RFH	9489

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT PAPER NUMBER

3637

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,344	Applicant(s) ROZIERE, PHILIP	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, references that were not included on a proper information disclosure statement or cited by the examiner on form PTO-892 have not been considered. The references in question are those that appear in paragraph 27 of the specification, which were not included on the information disclosure statement.

Specification

2. The disclosure is objected to because of the following informalities: there is at least one instance of a typographical error (on the third line of paragraph 23 the word "e" should be changed to "be").

Appropriate correction is required.

Claim Objections

3. Claim 2 is objected to because of the following informalities: it is missing a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 7, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ermanski (US Patent Number 4569498). Ermanski (Figures 1 and 4) discloses a platform assembly (10) capable of being attached to a chair comprising: a platform (20) capable of supporting a computer peripheral device; a flexible support arm (12); a first coupling (38, 50, and associated components) connecting the platform to one end of the flexible support arm; and a second coupling (14) for connecting the other end of the flexible support arm to an object (including a chair).

6. Regarding claim 2, Ermanski further discloses the flexible support arm comprises an elongate member (102) of ductile material.

7. Regarding claim 5, Ermanski further discloses the first coupling comprises an adjustment mechanism (50 and associated components) for securing the support arm to the platform at a position that is adjustable on the platform (see for example column 2 line 67 to column 3 line 10).

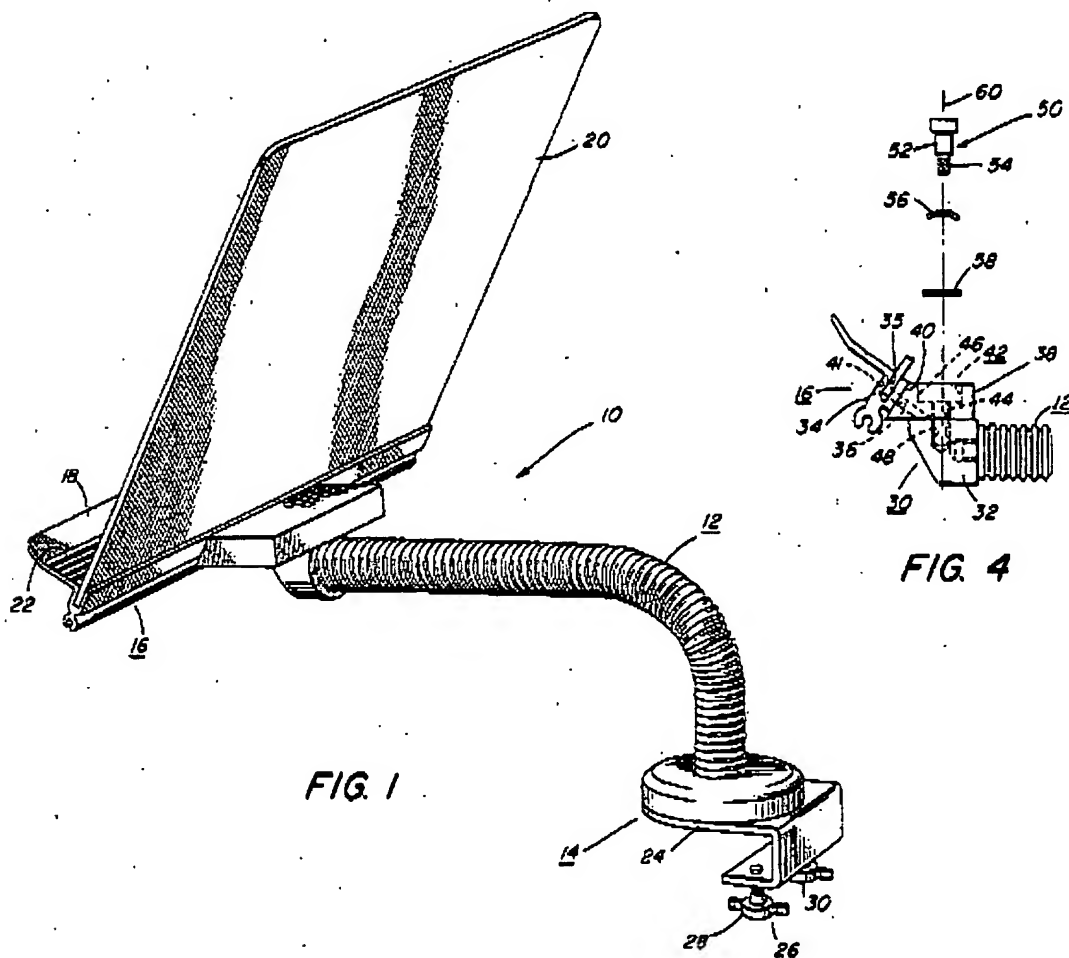
8. Regarding claim 7, Ermanski further discloses a molded handgrip (32) securing the first coupling to the support arm.

9. Regarding claim 8, Ermanski further discloses the flexible support arm comprises a flexible metal conduit (102).

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10. Regarding claim 10, Ermanski further discloses a molded handgrip (32) securing the first coupling to the support arm.

11. Regarding claim 11, Ermanski further discloses the first coupling comprises an adjustment mechanism (50 and associated components) for securing the support arm to the platform at a position that is adjustable on the platform (see for example column 2 line 67 to column 3 line 10).



Ermanski '498 Figures 1 and 4

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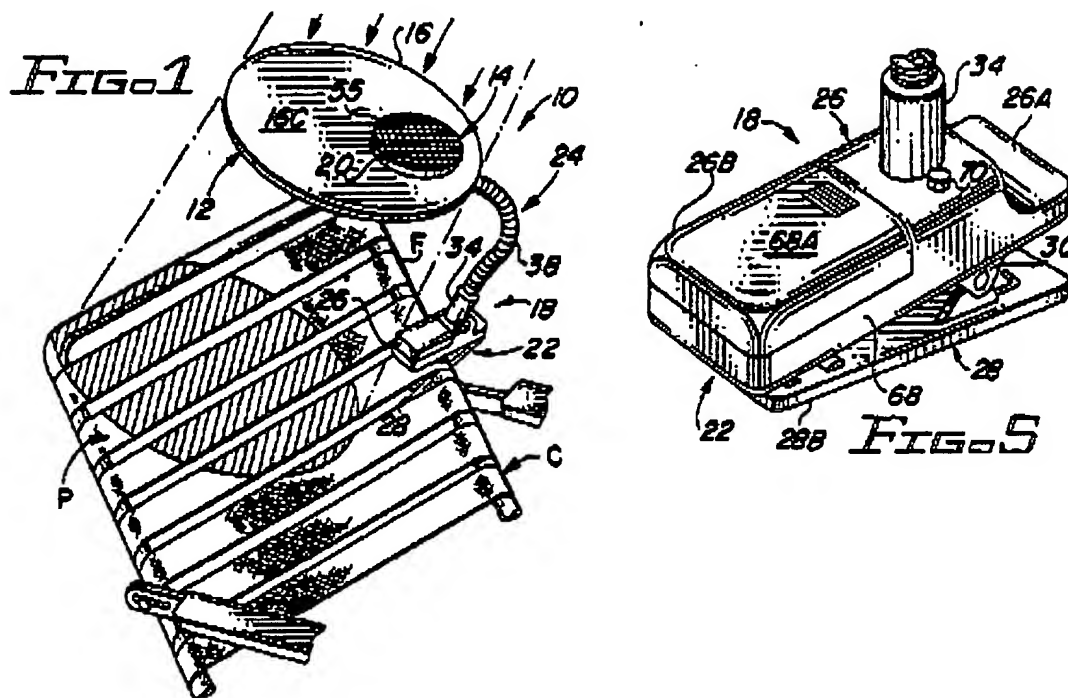
12. Claims 1, 2, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US Patent Number 5397268). Chang (Figures 1 and 5) discloses a platform assembly (10) for attachment to a chair comprising: a platform (16) capable of supporting a computer peripheral device; a flexible support arm (24); a first coupling (40) connecting the platform to one end of the flexible support arm; and a second coupling (22) for connecting the other end of the flexible support arm to a chair.

13. Regarding claim 2, Chang further discloses the flexible support arm comprises an elongate member (38) of ductile material.

14. Regarding claim 6, Chang further discloses the second coupling is a spring loaded clamp (see for example column 3 line 2).

15. Regarding claim 8, Chang further discloses the flexible support arm comprises a flexible metal conduit (38).

16. Regarding claim 9, Chang further discloses the second coupling is a spring loaded clamp (see for example column 3 line 2).



Chang et al. '268 Figures 1 and 5

Claim Rejections - 35 USC § 103

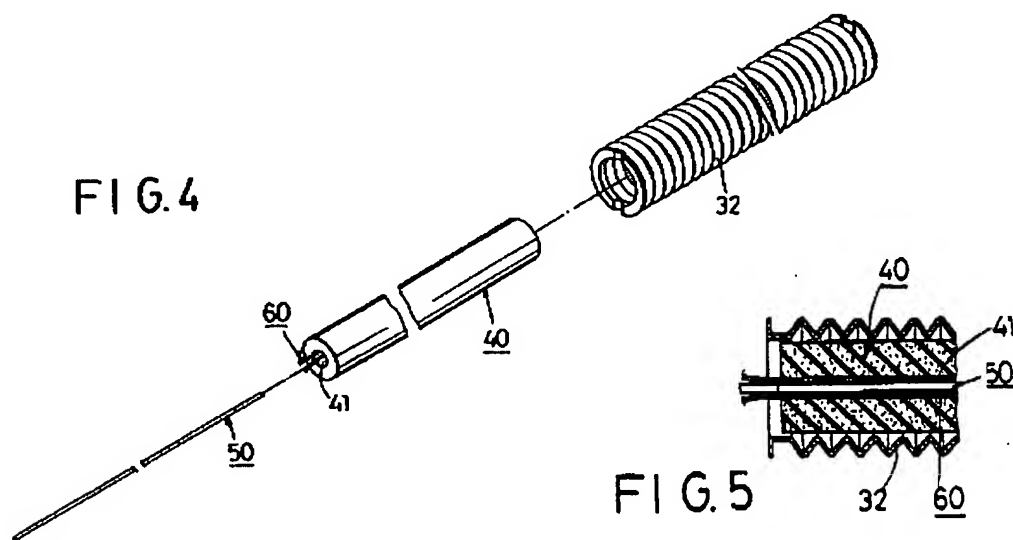
17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ermanski in view of Chiang (US Patent Number 5687774). Ermanski discloses a platform assembly as recited in claim 2 including a flexible metal cable but does not disclose a foam tube. Chiang (Figures 4 and 5) discloses a flexible support arm construction wherein the elongate member (assembly seen in Figure 4) comprises a

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foam tube (40) with a core of a flexible metal cable (50) and further comprises a corrugated plastic sheath (32). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ermanski's support arm to employ a construction as taught by Chiang because this arrangement would provide a reduction in weight (see for example Chiang column 2 lines 48-50).



Chiang '774 Figures 4 and 5

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Santa Rosa et al. (US Patent Number 6206464), Castro (US Patent Number 6158793), Bourassa (US Patent Number 5848773), and Day (US Patent Number 5762306) references are cited for disclosing various platform and support assemblies with aspects similar to those of the invention of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *16*
3/29/2006

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Lanna Mai